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3673

TRANSMITTAL LETTER			Case No. 33/759
Serial No. 09/512,894	Filing Date February 24, 2000	Examiner G. Hartmann	Group Art Unit 3673
Inventor(s) Michael H. Oberth et al.			
Title of Invention HIGHWAY CRASH CUSHION AND COMPONENTS THEREOF			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Response To Notice of Non-Compliant Amendment.

- Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- A verified statement to establish small entity status under 37 CFR § 1.27 is enclosed.
- Petition for a _____ month extension of time.
- No additional fee is required.
- The fee has been calculated as shown below:

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					Small Entity		Other Than Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus			x \$9=		x \$18=	
Indep.		Minus			x 40=		x \$80=	
First Presentation of Multiple Dep. Claim					+\$135=		+\$270=	
					Total add'l fee	\$	Total add'l fee	\$

- Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$_____. to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

William A. Webb
Registration No. 28,277
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on 12-18-01

Date: 12-18-01 Signature:

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents
Washington, D.C. 20231
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William A. Webb
Name of applicant, assignee or
Registered Representative
William A. Webb
Signature 12-18-01
Date of Signature



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Our Case No. 33/759

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Michael H. Oberth et al.)
Serial No. 09/512,894) Examiner: G. Hartmann
Filing Date: February 24, 2000) Group Art Unit No. 3673
For HIGHWAY CRASH CUSHION AND)
COMPONENTS THEREOF)

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

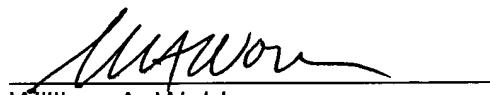
Applicant requests reconsideration of the Notice of Non-Compliant Amendment dated December 5, 2001. This notice indicated that the Amendment did not include a clean version of the amended claims pursuant to 37 C.F.R. §1.21(c)(1)(i). Applicant disagrees, because this application is a reissue application, and Applicant submits that amendments in a reissue application are governed by 37 C.F.R. §1.173(b)(2), which clearly states that each changed patent claim and each added claim must include markings pursuant to paragraph (d) of that section.

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Response
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Section (d) of the relevant section requires that matter to be added by reissue must be underlined. The underlined claims presented in the opening pages of the amendment of November 26, 2001 thus are a clean version of the amended claims, as appropriate for a reissue application.

Please telephone the undersigned attorney if any questions regarding the November 26, 2001 amendment remain, or if any further action is required to ensure that this amendment is entered.

Respectfully submitted,



William A. Webb
Registration No. 28,277
Attorney for Applicant

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